



Agenda

PUBLIC PROTECTION COMMITTEE

**SPECIAL MEETING
MARCH 4, 2010
10:00 A.M.**

651 Pine Street, Room 101, Martinez

Supervisor Federal D. Glover, Chair

Supervisor John Gioia, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day
and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes)
3. Report from the Conservation & Development Department on the Residential Rental Inspection Program (*Jason Crapo, County Building Official*)
4. Review of the 2010 Committee referrals, and meeting and discussion schedule (*Julie Enea, County Administrator's Office*)

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

 *Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.*

For Additional Information Contact:

Julie Enea, Committee Staff
Phone (925) 335-1077, Fax (925) 646-1353
jenea@cao.cccounty.us

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Staff Subscribers:

Members of the Board of Supervisors
David Twa, County Administrator
Terri Speiker, Chief Asst. County Administrator
Sharon Anderson, County Counsel
Lisa Driscoll, County Finance Director
Dorothy Sansoe, Senior Deputy County Administrator—Health & Welfare
Rich Seithel, Senior Deputy County Administrator—Municipal Services
Warren E. Rupf, Sheriff-Coroner
John Ross, Interim Chief, Contra Costa County Fire Protection District
Hugh Henderson, Chief, East Contra Costa Fire Protection District
Robert Kochly, District Attorney
Robin Lipetzky, Public Defender
Lionel Chatman, County Probation Officer
Ed Meyer, Agricultural Commissioner/Weights & Measures Director
Glenn Howell, Animal Services Director
Timothy Ewell, Senior Management Analyst, CAO
Haven Fearn, Health Services Department
Karyn Cornell, Supervisor Piepho's Office

Public Subscribers:

FAX to Grand Jury Foreman, (925) 646-1494
FAX to Laotian Organizing Project, (510) 236-4572
Email to Jim Bickert, Deputy Sheriff's Association, cocodsa@comcast.net
Email to Don Flint, dflint@klsglobal.com
Email to Bob Mankin, bob@cadpros.com
Email to Ruth Roberts, rroberts@brentwoodpress.com
Gaylin Zeigler, gzeig@sbcglobal.net
Calista Anderson, ca1800todb@sbcglobal.net
Rick Marchoke, rmarchoke@ci.antioch.ca.us

Information:

Catherine Kutsuris, Conservation & Development Director
Jason Crapo, County Building Official

Glossary of Acronyms, Abbreviations, and other Terms (in alphabetical order):

Contra Costa County has a policy of making limited use of acronyms, abbreviations, and industry-specific language in its Board of Supervisors meetings and written materials. Following is a list of commonly used language that may appear in oral presentations and written materials associated with Board meetings:

AB	Assembly Bill	HCD	(State Dept of) Housing & Community Development
ABAG	Association of Bay Area Governments	HHS	Department of Health and Human Services
ACA	Assembly Constitutional Amendment	HIPAA	Health Insurance Portability and Accountability Act
ADA	Americans with Disabilities Act of 1990	HIV	Human Immunodeficiency Syndrome
AFSCME	American Federation of State County and Municipal Employees	HOV	High Occupancy Vehicle
AICP	American Institute of Certified Planners	HR	Human Resources
AIDS	Acquired Immunodeficiency Syndrome	HUD	United States Department of Housing and Urban Development
ALUC	Airport Land Use Commission	Inc.	Incorporated
AOD	Alcohol and Other Drugs	IOC	Internal Operations Committee
BAAQMD	Bay Area Air Quality Management District	ISO	Industrial Safety Ordinance
BART	Bay Area Rapid Transit District	JPA	Joint (exercise of) Powers Authority or Agreement
BCDC	Bay Conservation & Development Commission	Lamorinda	Lafayette-Moraga-Orinda Area
BGO	Better Government Ordinance	LAFCo	Local Agency Formation Commission
BOS	Board of Supervisors	LLC	Limited Liability Company
CALTRANS	California Department of Transportation	LLP	Limited Liability Partnership
CalWIN	California Works Information Network	Local 1	Public Employees Union Local 1
CalWORKS	California Work Opportunity and Responsibility to Kids	LVN	Licensed Vocational Nurse
CAER	Community Awareness Emergency Response	MAC	Municipal Advisory Council
CAO	County Administrative Officer or Office	MBE	Minority Business Enterprise
CCHP	Contra Costa Health Plan	M.D.	Medical Doctor
CCTA	Contra Costa Transportation Authority	M.F.T.	Marriage and Family Therapist
CDBG	Community Development Block Grant	MIS	Management Information System
CEQA	California Environmental Quality Act	MOE	Maintenance of Effort
CIO	Chief Information Officer	MOU	Memorandum of Understanding
COLA	Cost of living adjustment	MTC	Metropolitan Transportation Commission
ConFire	Contra Costa Consolidated Fire District	NACo	National Association of Counties
CPA	Certified Public Accountant	OB-GYN	Obstetrics and Gynecology
CPI	Consumer Price Index	O.D.	Doctor of Optometry
CSA	County Service Area	OES-EOC	Office of Emergency Services-Emergency Operations Center
CSAC	California State Association of Counties	OSHA	Occupational Safety and Health Administration
CTC	California Transportation Commission	Psy.D.	Doctor of Psychology
dba	doing business as	RDA	Redevelopment Agency
EBMUD	East Bay Municipal Utility District	RFI	Request For Information
EIR	Environmental Impact Report	RFP	Request For Proposal
EIS	Environmental Impact Statement	RFQ	Request For Qualifications
EMCC	Emergency Medical Care Committee	RN	Registered Nurse
EMS	Emergency Medical Services	SB	Senate Bill
EPSDT	State Early Periodic Screening, Diagnosis and treatment Program (Mental Health)	SBE	Small Business Enterprise
et al.	et ali (and others)	SWAT	Southwest Area Transportation Committee
FAA	Federal Aviation Administration	TRANSPAC	Transportation Partnership & Cooperation (Central)
FEMA	Federal Emergency Management Agency	TRANSPLAN	Transportation Planning Committee (East County)
F&HS	Family and Human Services Committee	TRE or TTE	Trustee
First 5	First Five Children and Families Commission (Proposition 10)	TWIC	Transportation, Water and Infrastructure Committee
FTE	Full Time Equivalent	VA	Department of Veterans Affairs
FY	Fiscal Year	vs.	versus (against)
GHAD	Geologic Hazard Abatement District	WAN	Wide Area Network
GIS	Geographic Information System	WBE	Women Business Enterprise
		WCCTAC	West Contra Costa Transportation Advisory Committee

2010 PUBLIC PROTECTION COMMITTEE

RESIDENTIAL RENTAL INSPECTION PROGRAM

Background

The Residential Rental Inspection Program (RRIP) was established by the Board of Supervisors in 2004 with the following stated purposes:

1. to identify and reduce the number of blighted and deteriorated rental housing units;
2. to maintain safe housing for renters; and
3. to improve the overall quality of life for communities throughout the County.

After five years of operation, the Department of Conservation and Development (DCD) is finding it difficult to achieve the desired goals of the programs within its current operational and financial structure. The current program model is highly labor intensive and the revenues generated by the program do not cover its operational costs. On January 26, 2010, the Board of Supervisors requested the Public Protection Committee to hear a report from DCD concerning the status of the RRIP and to consider staff recommendations for making changes that will further the operational goals of the program and improve its financial sustainability.

March 4, 2010

Attached is a report from DCD with recommendations for changing the fee structure and program operations in order to make the program more self-sustainable.



CONTRA COSTA COUNTY
Department of Conservation and Development
651 Pine Street, N. Wing - 4th Floor
Martinez, CA 94553
Telephone: (925) 335-1210 Fax: (925) 335-1222

TO: Public Protection Committee
Supervisor Federal D. Glover, Chair
Supervisor John Gioia, Vice Chair

FROM: Jason Crapo, Deputy Director *JC*

DATE: February 24, 2010

SUBJECT: Residential Rental Inspection Program (RRIP)

Introduction

After nearly five (5) years in operation, staff has had adequate time to assess the impact and effectiveness of the Residential Rental Inspection Program (RRIP). While RRIP has undoubtedly benefited the community, after analyzing the program, staff has found that the program in its current configuration has been unsuccessful in meeting two (2) of its most important goals. First, the program has not been able to inspect all of the rental units in the unincorporated area of the County on a five (5) year cycle as initially planned. Second, while the program was intended to be self funding, the program operates at a significant deficit.

To close the program's fiscal gap while increasing the program's coverage, staff proposes to utilize the model of other rental inspection programs in the area, such as the City of Brentwood's. Similar to the City of Brentwood's program, staff proposes to enroll all rental units in the unincorporated County into the program, with each rental property owner paying a base annual participation fee of \$50. If multiple rental units are on the same property, staff proposes to charge \$15 for each additional unit.

To expand the program's coverage, staff proposes adding RRIP duties to those of local code enforcement inspectors. Using the Department of Conservation and Development's (DCD) existing network of code enforcement inspectors will implement the Program countywide immediately while also allowing the inspectors to be more selective in initiating cases by only opening rental inspection cases on properties with apparent deferred maintenance or other conditions justifying further investigation. By opening rental inspection cases more selectively based on what inspectors observe

from the exterior of rental unit, the program will avoid the costly process of inspecting the interior of each rental unit when many units do not have a need for inspections. RRIP will use revenue generated by the annual participation fee to conduct an exterior inspection of each unit each year, but will not initiate the more costly interior inspections unless there is an apparent need.

Ordinance Background

On July 26, 2005, the Contra Costa County Board of Supervisors adopted Ordinance No. 2005-17 establishing the Residential Rental Inspection Program (RRIP). The ordinance was established to proactively identify blighted and deteriorated housing stock and ensure the rehabilitation or abatement of housing that does not comply with State and local building, electrical, fire and plumbing code standards. The ordinance also promotes the safety and preservation of all single and multiple-family residential rental units and enhances the quality of life for residents of the County. Participation in the program is mandatory for all rental units in the County.

The Ordinance mandates inspection of all rental units including single family homes, residential hotels, and Section 8 housing. The Ordinance requires that the County inspect its roughly 15,000 rental units and their premises every five (5) years. Currently, if a unit is in full compliance with the applicable codes and standards, the property will not be inspected for the next five years, and a certificate certifying its compliance with applicable building codes will be issued by the Department of Conservation and Development. However, if a unit is found to pose a threat to health and safety, it is to be inspected every two (2) years after the required repairs are made.

Residential Rental Inspection Program Process

Staff begins the rental inspection process for an area of the County by using assessor's data to identify properties in that area listed as "Non Owner Occupied". The Assessor's Use Designation denotes that the property owner does not live on site, implying that the property is either occupied by renters, a business, or is vacant.

Once the likely rental units have been identified, staff sends a letter to the address of record for the property owner describing the program, its purpose, origins, and fees required to participate. Included with the letter is the application to participate as well as a Homeowner's Exemption Declaration.

One of the causes of the program operating over its budget is that in practice it usually takes at least two (2) letters from the County for a property owner to reply to the County's request to participate in the program. If staff receives a positive response and the property is eligible to participate in the inspection program, RRIP staff schedules an inspection date and sends a "Notice of Intent to Inspect" with a proposed inspection time to the property owner. Included with the notice is a copy of the checklist that the inspector will use in the inspections.

The property owner must notify the property's tenants of the scheduled inspection at least 48 hours in advance. This allows the renters to modify their schedule to be present if desired. If the property owner does not notify the property's tenants the inspection is aborted. As a result inspections are often cancelled. Oftentimes, the inspector does not find out that the inspection has to be cancelled until they

arrive at the site and the property owner is not there or the tenant informs them that they were not notified in time. The frequent need for inspectors to make multiple visits to a property is an added cost not envisioned when the program was initially established.

Current Residential Rental Inspection Program Fees

If a property contains a single rental unit, the fee to participate in the program is currently \$180. For each additional rental unit on a property, the owner must pay an additional \$30. These fees were meant to pay for the initial inspection and a courtesy re-inspection to verify that the necessary repairs have been made. Each inspection beyond these costs the property owner an additional \$180.

For a property containing four (4) or more units, the property owner is eligible to “self certify” that the property meets the standards and requirements of the program pursuant to Section 720-8.616 of the County Code. To do so, the property owner signs the self certification affidavit verifying compliance and pays \$180 for the first unit on the property and \$30 for each additional unit. The County then inspects 20% of the units at random to validate the owner’s inspection. As discussed below, staff proposes to reduce the fees to \$50 per rental unit in the County with each additional residential unit being charged \$15.

During the first inspection the inspector uses the above mentioned checklist to verify that the property complies with the program’s standards. If the inspector finds any violations they are noted on the checklist. The checklist is later given to the property owner to help them efficiently correct the violations prior to the courtesy re-inspection.

The courtesy inspection occurs after the property owner has had a chance to correct all of the violations found during the initial inspection. If all of the violations have been corrected, and no new violations were identified, a “5 Year Certificate of Compliance” will be issued to the property owner. However, if the violations have not been corrected the applicant is provided additional time and a new inspection is scheduled at their expense. This process continues until either all of the violations have been corrected, or the violations necessitate action by the Property Conservation Program. One of the main causes of the RRIP’s budget shortfall (discussed further below) is that the program is inspecting the same rental units repeatedly, which in turn requires extensive and expensive correspondence and coordination with the property owners and tenants.

Residential Rental Inspection Program Budget

When RRIP was created, it was intended to sustain itself through the fees collected from property owners. However, as mentioned above, the program is operating with a budget deficit. In order to determine the causes of this deficit, staff conducted a program analysis. This included a detailed review of a random sample of 100 recent case files. Staff found the following causes of the RRIP’s current financial deficit:

- 1) The current model requires too many notices to property owners relative to the fees collected.
- 2) The current model requires too many inspections relative to the fees collected.

While the program was intended to be financially self-sustaining, in practice, the program has been collecting approximately \$250,000 a year while its expenses exceed \$657,000 a year. The program's current budget gap is roughly \$407,000. Please see the table below depicting the program's revenue and expenditures for the last six (6) months of 2009 and projections for the first six (6) months of 2010.

RRIP	July 09- Jan 10	Projected Jan 10- June 10	Projected Total for FY 09-10
Expenditure:			
Salaries & Benefits	305,462	313,572	619,034
Services & Supplies	6,733	6,732	13,465
Other Charges	5,009	5,010	10,019
Fixed Assets	0	0	0
Expenditure Transfers	7,620	7,620	15,240
Total Expenditures	324,824	332,934	657,758
Total Revenues	125,191	125,190	250,381
Cost Overrun	(199,633)	(207,744)	(407,377)

Recommended Program Changes

Staff proposes to modify the program to achieve the program's goals of inspecting the County's rental stock each year while becoming self sustaining. To achieve these goals, staff recommends eliminating mandatory interior inspections for each property enrolled, and instead proposes to conduct visual inspections of each property's premise. Inspecting the exterior and premises of a rental property will allow the inspector to identify any evidence that warrants the interior inspection of a residential structure. Conducting visual inspections from off of the property will allow staff to identify properties deserving further investigation while avoiding the noticing and staff time associated with inspecting well maintained rental properties.

In order to make the program self sustaining, staff recommends collecting an annual fee from all rental properties in the unincorporated County to pay for County-wide implementation. This approach has been used effectively by local cities, including the City of Brentwood. To determine which properties to contact, RRIP will continue to use Assessor's data on property's uses.

Proposed Fee Structure

Staff proposes assessing a \$50 annual fee on each rental unit within the County's jurisdiction, increasing annually in relation to the Consumer Price Index. For properties with multiple units, staff proposes charging a fee of \$15 dollars for each unit beyond the initial unit. While this is below is the \$180 base fee currently charged to participate in the program, this is a large enough fee to pay for the initial exterior inspection of each unit enrolled. For properties that the inspectors find exhibiting conditions necessitating interior inspections, staff proposes charging an inspection fee of \$250 for each

inspection. By means of comparison, the City of Brentwood currently charges \$135 per rental unit regardless of whether or not an interior inspection is performed. Staff prefers the proposed fee structure as it puts the higher burden on those properties exhibiting deferred maintenance or other necessitating further investigation by County staff.

Conclusion

RRIP is currently operating at a deficit and is failing to inspect the County's rental units at the rate intended. In order to decrease the program's budget gap, and to increase the program's coverage, staff proposes two (2) program changes. First, staff proposes to enroll each rental unit in the unincorporated County into the RRIP program and to charge an annual base fee of \$50 for each rental property. Staff estimates that this is sufficient to fund the program. Second, staff proposes to visually inspect the exterior and grounds of rental properties to identify those properties with exterior factors deserving further investigation prior to initiating the expensive process of scheduling and conducting interior inspections. This will allow the program to avoid spending time and money on those properties with no obvious violations, and instead focus the program's energy on those that do. By enacting these two (2) changes, staff believes that the program can more effectively reach its goals of identifying and rehabilitating blighted and neglected properties with no additional cost to the County.

2010 PUBLIC PROTECTION COMMITTEE

REFERRAL LIST AND

PROPOSED 2010 MEETING AND DISCUSSION SCHEDULE

The Committee members have selected the third Monday of each month at 10:30 a.m. as the standing meeting date/time for 2010. Due to scheduling conflicts, some meetings will need to be canceled and rescheduled, if needed. Attached for the Committee's review is the proposed meeting schedule, developed in consultation with your schedulers. Staff asks the Committee to modify the schedule as needed and adopt the schedule with modifications, if any.

Also attached is the list of current Board referrals to the PPC along with the 2009 Year-end Report, and the proposed discussion schedule for current referrals. Staff requests approval for the proposed discussion schedule for planning purposes.

**2010 Public Protection Committee
Meeting Schedule**

Feb 15	Cancel	10:30 a.m.	
Mar 04	Meet	10:00 a.m.	Special Meeting
Mar 15	Cancel	10:30 a.m.	
Apr 19	Meet	10:30 a.m.	
May 17	Meet	10:30 a.m.	
Jun 21	Meet	10:30 a.m.	
Jul 19	Cancel	10:30 a.m.	Reschedule if needed - NACo Conference
Aug 16	Cancel	10:30 a.m.	Reschedule if needed - Summer Break
Sep 20	Meet	10:30 a.m.	
Oct 18	Meet	10:30 a.m.	
Nov 15	Cancel	10:30 a.m.	Reschedule if needed - CSAC Meeting
Dec 20	Cancel	10:30 a.m.	Reschedule if needed - Winter Break

To: Board of Supervisors
From: PUBLIC PROTECTION COMMITTEE
Date: February 23, 2010



Contra
Costa
County

Subject: 2009 YEAR-END REPORT AND DISPOSITION OF PUBLIC PROTECTION COMMITTEE REFERRALS

RECOMMENDATION(S):

1. ACKNOWLEDGE that the Board of Supervisors referred 12 issues to the Public Protection Committee (PPC) for its review and consideration during 2009.
2. FIND that the 2009 PPC convened six meetings, worked through and provided an opportunity for public input on a number of significant issues, and made report with recommendations to the Board.
3. RECOGNIZE the excellent work of the County department staff who provided the requisite information to the PPC in a timely and professional manner, and members of the Contra Costa community and other public agencies who, through their interest in improving the quality of life in Contra Costa County, provided valuable insight into our discussions, and feedback that helped us to formulate our policy recommendations.
4. APPROVE recommended disposition of PPC referrals described at the end of this report.

FISCAL IMPACT:

No fiscal impact.

APPROVE
 OTHER
 RECOMMENDATION OF CNTY ADMINISTRATOR
 RECOMMENDATION OF BOARD COMMITTEE

Action of Board On: **03/02/2010** APPROVED AS RECOMMENDED OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYES _____ NOES _____
 ABSENT _____ ABSTAIN _____
 RECUSE _____

Contact: JULIE ENEA (925)
335-1077

cc: Public Protection Cte Staff

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 2, 2010
 , County Administrator and Clerk of the Board of
 Supervisors

By: , Deputy

BACKGROUND:

The Public Protection Committee (PPC) was established on January 8, 2008 to study criminal justice and public protection issues and formulate recommendations for consideration by the Board of Supervisors. During 2009, the PPC examined the following 12 issues:

1. Opportunities to Improve Coordination of Response to Disasters and Other Public Emergencies. Approximately three weeks following the November 2007 Cosco Busan oil spill, the Sheriff's Office of Emergency Services (OES) presented to the Board of Supervisors its assessment of the emergency response efforts, including what worked well and didn't work well, and what lessons were learned through those experiences. At the conclusion of the Board discussion, Supervisor Gioia introduced five recommendations that were approved by the Board. Supervisor Gioia also convened meetings within his District to discuss the implementation of the recommendations.

On February 5, the Board of Supervisors referred this matter to the PPC for continuing development and oversight. Following a briefing to the PPC by the Office of the Sheriff on February 11, 2008, the PPC reported out to the Board of Supervisors on May 6, 2009 with recommendations for follow-up by the Sheriff and Human Resources departments. PPC received a status report from the Office of the Sheriff and Health Services Department in February 2009 and requested the Hazardous Materials Program Manager to report back to the PPC on the development of mutual aid agreements from local oil refineries.

Due to scheduling conflicts and the cancellation of the October-December PPC meetings, the Hazardous Materials Program Manager was unable to make a follow-up report to the PPC in 2009. It is, therefore, recommended that this matter be retained on referral.

Recommendation: REFER to 2010 PPC

2. Cellular Phone Alerting for Public Emergencies. On October 22, 2007 the Board of Supervisors authorized and requested the Sheriff-Coroner to enter into a \$50,000 contract with SquareLoop, Inc., for a one-year countywide trial of location-selective cellular public alerting as a component of the Community Warning System (CWS). However, by the time the County was able to finalize a contract with SquareLoop in December 2008 the firm was the target of an acquisition and could no longer honor the terms it had offered the County some eighteen months prior. As an alternative, CWS staff has developed a web-based registration system that will allow members of the public to register their cellular phones for alerts via the system's existing telephone notification capability. This alternative system will not provide the precise real-time geographic targeting that SquareLoop's patented technology promised. Instead, alerts that affect part or all of a ZIP code within the county are routed to all cellular telephones that have registered an interest in that zip code, regardless of their current location. Additionally, this alternate system will require the Office of the Sheriff to create and maintain a database of cellphone numbers and their associated ZIP codes of interest, in addition to its existing database of wireline 9-1-1 lines. This in-house solution will not require any additional contracting or expenditure and can be deployed immediately. It can also provide service to "Voice over Internet Protocol" (VoIP) lines that may not appear in the 9-1-1 database. As the Office of the Sheriff has implemented the web-based registration system, it is recommended that this matter be removed from the PPC referral list.

Recommendation: REMOVE referral

3. Improving Public Response During Emergencies Through Education. In January 2008, the Board of Supervisors referred to the PPC the matter of improving public response to emergency instructions and protocols through broader and better education, which had previously been on referral to the IOC. The Board suggested that the PPC work with the Office of the Sheriff, the Health Services Department, and the CAER (Community Awareness & Emergency Response) Program to determine what educational efforts are being made and what additional efforts may be undertaken to improve public response and safety during an emergency.

In April, the PPC met with CAER (Community Awareness Emergency Response) Executive Director Tony Semenza and staff from the Office of the Sheriff and Health Services to discuss what has been done to better inform the public and what more can be done to improve public response to emergency warnings. CAER provided a thorough report on its countywide community fairs, and programs targeted at the education system and non-English speaking populations. Our committee asked CAER to provide a written outreach strategy that describes how new homeowners are educated about emergency awareness.

Due to scheduling conflicts and the cancellation of the October-December PPC meetings, CAER was unable to make a follow-up report to the PPC in 2009.

Recommendation: REFER to 2010 PPC

4. Welfare Fraud Investigation and Prosecution. In May 2007, the Employment and Human Services (EHS) Director made a report to the IOC describing what policies, procedures, and practices are employed by the Department to ensure that public benefits are provided only to those who continue to meet income eligibility requirements. The IOC had been monitoring the departments' efforts by review statistical reports provided by the departments.

In January 2008, the Board of Supervisors reassigned this matter to the PPC. The PPC received a 2007/08 statistical update from the EHS and District Attorney departments, and reported out to the Board of Supervisors on November 18, 2008 with a

recommendation for another annual update in one year, including the status of pending cases in which the outcome is currently unknown.

Due to the urgent need to address other referrals, the PPC took no action on this matter in 2009. It is, therefore, recommended that this matter be retained on referral.

Recommendation: REFER to 2010 PPC

5. Multi-Language Capability of the Emergency Telephone Ringdown System. This matter had been on referral to the Internal Operations Committee since 2000 and was reassigned to the PPC in January 2008. The PPC met with Sheriff and Health Services Department staff in March to receive an update on the County's efforts to implement multilingual emergency telephone messaging. We learned that the Federal Communications Commission has before it two rulemaking proceedings that may directly affect practices and technology for multilingual alerting and public notification. Additionally, the federally-funded Bay Area "Super Urban Area Safety Initiative" (SUASI) has selected a contractor undertake an assessment and develop a five-year strategic plan on notification of public emergencies, with an emphasis on special needs populations. The Sheriff's Office of Emergency Services reported to the PPC in April 2009 that little has changed since the March 2008 report. It is recommended, therefore, that this matter be retained on referral for an update report in April 2010.

Recommendation: REFER to 2010 PPC

6. Disproportionate Minority Contact. The Probation Department secured grant funding from the California Corrections Standards Authority to study factors leading to the over-representation of minority youth in the juvenile justice system relative to their numbers in the general population, to provide training and community outreach regarding Disproportionate Minority Contact (DMC), and to build integrated data systems that enable agencies to collaborate in monitoring the paths of minority youth through the juvenile justice system. The Board requested the County Probation Officer to provide an informational report to the PPC on the DMC initiative. The PPC received an orientation from the Probation Department in April 2008 and a status report April 2009 on the accomplishments of the Enhanced DMC Technical Assistance Project for 2008 and plan of activities for 2009, which was:

- To continuing its training efforts for staff with a mandatory eight-hour (8) class "Exploring other Cultures";
- To develop, along with the District Attorney and Public Defender, a Management Information System (MIS) that will aid in the collection of DMC data;
- To develop a culturally competent assessment tool for the Juvenile Hall intake process;
- To develop criteria and protocol for diversion programs in three target areas;
- To work with stakeholders, community-based organizations, and other stakeholders to address DMC.
- To explore funding sources for the diversion programs through grants, foundation/endowment funding, and local and community business.

As this issue is a work in progress, we recommend that this matter be retained on referral to the PPC.

Recommendation: REFER to 2010 PPC

7. Sheriff's Department Budget Balancing Efforts. On April 22, 2008 the Board conducted hearings on the County's Administrator's Recommended Budget for fiscal year 2008/09, and on May 6, the Board adopted the final budget. The Sheriff Department's approved budget relied on a significant amount of one-time revenue in order to enable the department to make the required permanent expenditure reductions and position cuts through normal attrition rather than through employee layoffs. Consequently, at the time of budget deliberations, some of the immediate and long term impacts of the reductions were only broadly defined. In order to define the specific cost reductions and impacts, the County Administrator recommended that the Sheriff-Coroner Department report periodically throughout the 2008/09 fiscal year to the Public Protection Committee on its budget status and progress in achieving the permanent net County cost reductions (either through permanent expenditure reductions or new revenue).

The Office of the Sheriff finished the 2008/09 fiscal year with a budgetary deficit, however, still in a better position than had been earlier projected. At the midyear point of the 2009/10 fiscal year, a budgetary deficit of \$500,000 is projected. As the current projected deficit can be managed and ameliorated through the Sheriff's prudent management of staff vacancies, no corrective action plan is currently recommended. It is, therefore, recommended that this matter be removed from the PPC referral list.

Recommendation: TERMINATE referral

8. Impacts of the Housing Foreclosure Crisis on County Communities, Programs and Services. The Board of Supervisors, on May 20, 2008, referred the matter of community impacts due to the housing foreclosure crisis to the PPC following comments received from Bay Point resident Mark Sullivan. At the May PPC meeting, Mr. Sullivan commented on community issues resulting from the high number of foreclosed homes, such as property dereliction and associated public health issues, theft, vandalism, and reduced property values.

The 2008 PPC studied this issue over a five-month period, looking particularly at ways to expedite the abatement of nuisances at abandoned homes and to fund abatements. On November 4, 2008 the PPC reported out to the Board of Supervisors on its findings and introduced an amendment to the County Vacant Structures Ordinance to shorten the time period for abating vacant

structures. On November 18, 2008, the PPC reported to the Board on the Neighborhood Stabilization Program, with recommendations to allocate federal Program funds to mitigate impacts in the hardest-hit areas of the county.

In 2009, Supervisor Glover received a request from the Contra Costa Interfaith Supporting Community Organization (CCISCO) for the County to adopt an ordinance to require certification by holders/owners of a mortgage obligation of their legal ownership of debt so that there is transparency via County records. The Committee took this matter up on April 6, 2009 under this referral. After some of the issues were fleshed out on April 6, the Committee asked staff to study the matter further and return with an evaluation of the CCISCO proposal and any recommendations it could make. Staff reported back to the Committee on June 1, 2009 with an evaluation of the CCISCO proposal and with a recommendation that the Committee should not pursue the proposal further for a variety of reasons. Staff identified two possible next steps for the Committee's consideration:

- Work with State legislative partners to introduce new statewide legislation to require that all "Notice of Defaults" filed and served on borrowers would be required to include the contact information of the person and/or division in the bank that can agree on a loan modification.
- Consider developing a local ordinance that would require foreclosed, vacant properties to be registered with the County Department of Conservation and Development, Building Inspection Division. This ordinance would be similar to ordinances adopted by several cities and counties in Southern California, primarily in the Riverside and San Bernardino areas.

In September 2009, the PPC reviewed a draft ordinance that would require registration of vacant, foreclosed property. The PPC concurred with staff's assessment that the marginal benefit that might be derived from such a registration process would not justify the cost to administer such a process, and the ordinance would not fulfill the objective sought earlier by the Committee to assist home owners in renegotiating their loans and staying in their homes, as they would have already been required to leave their homes prior to the registration process. For those and other reasons, the PPC decided to abandon the vacant property registration ordinance proposal and continue to focus on areas in which the County can make a greater impact such as abating nuisances and safety hazards and rehabilitating vacant, foreclosed homes. It is, therefore, recommended that this matter be removed from the PPC referral list.

Recommendation: TERMINATE referral

9. Diablo Fire Safe Council Community Wildfire Protection Plan. In 2008, Supervisor Gioia received a request from the Diablo Fire Safe Council to have the Board of Supervisors adopt a Community Wildfire Protection Plan, which is supposed to allow communities to influence where and how federal funds may be distributed for fuels reduction projects in Wildland Urban Interface areas. In its 2008 year-end report to the Board of Supervisors, the Public Protection Committee asked the Board to refer to it the Diablo Fire Safe Council's request. Our committee met with a Diablo Fire Safe Council representative in February and April to discuss the plan, and the Contra Costa Fire Chiefs Association subsequently endorsed the Plan. The PPC made recommendations to the Board of Supervisors and the Board adopted the Community Wildfire Protection Plan on April 21, 2009. **Recommendation: TERMINATE referral**

10. Options for preserving the infrastructure for misdemeanor prosecution. Following 2008/09 and 2009/10 budget reductions approved by the Board in March, the District Attorney, on April 20, notified local law enforcement agencies via letter of forthcoming changes in District Attorney filing policies. Specifically, the District Attorney advised that, effective May 4, 2009, he would no longer accept for review many low-level felony drug cases and misdemeanor cases, with the exception of a limited list of misdemeanor cases, which would still be reviewed.

On April 28, the Board of Supervisors convened a special meeting to discuss these policy changes and receive public testimony. At the conclusion of the meeting, the Board accepted a proposal from the District Attorney to utilize salary savings from three unanticipated staff vacancies to postpone the layoff of six temporary deputy district attorney positions, in order to delay the implementation of the filing policy changes until January 1, 2010. The Board requested its Public Protection Committee to meet with the District Attorney and local law enforcement representatives in the intervening period to determine what could be done to preserve the infrastructure for misdemeanor prosecution on a permanent basis.

The Public Protection Committee met with the District Attorney, a representative of the Police Chiefs Association, and other interested parties on May 11 to discuss the issue. The Committee's received a report from Mr. Kochly discussing what is required to preserve misdemeanor prosecution and what options might be available to assist in this effort. The report also included a research document prepared by Deputy District Attorney Doug MacMaster regarding legal issues involved with cities prosecuting their own misdemeanors. Among the related issues discussed were the potential use of volunteers, diversion programs and identifying their outcomes, city prosecution of misdemeanors, the breakout of misdemeanor cases by type, contract misdemeanor prosecution with cities, the fiscal paradox: flat revenues vs. increasing costs, the potential for new tax revenue, cost recovery for services provided to cities, and setting priorities between public safety and health/human services.

The Committee met again with the District Attorney on June 1, at which time the District Attorney provided an analysis that identified the minimum number of attorney staff required to cover court hearings each day and identifying the minimum additional budgetary requirement (\$485,000) to maintain the infrastructure for misdemeanor prosecution through June 30, 2010. This figure was derived from converting the six temporary attorneys that were slated to be eliminated to permanent basic

attorney positions for six months through June 30, 2010. The June 1 meeting left the matter unresolved pending the outcome of labor negotiations.

On December 1, 2009, the Board of Supervisors augmented the District Attorney's budget by \$703,524 from the General Fund Reserve to preserve misdemeanor prosecution services. A bare bones staffing plan was developed that included the addition of 4.0 FTE Deputy District Attorney-Basic positions beginning in December 2009 and 7.0 FTE Deputy District Attorney-Fixed Term positions beginning in March 2010. These positions are intended to replace the majority of the fixed term positions that would have been laid-off or completed contracts in December 2009. In addition, funding of 4.0 FTE temporary attorney positions has been recommended for the months of January and February to minimize the workload impact to the department prior to hiring the 7.0 FTE Deputy District Attorney-Fixed Term positions described above.

Recommendation: TERMINATE referral

11. County support and coordination of non-profit organization resources to provide prisoner re-entry services. On August 25, 2009, the Board of Supervisors referred to the Public Protection Committee a presentation by the Urban Strategies Council on how the County might support and coordinate County and local non-profit organization resources to create a network of re-entry services for individuals who are leaving jail or prison and are re-integrating in local communities. On September 14, the PPC invited the Sheriff-Coroner, County Probation Officer, District Attorney, Public Defender, Health Services Director, and Employment and Human Services Director to hear a presentation by the Urban Strategies Council. The PPC encouraged County departments to participate convene a task force to work develop a network for prisoner re-entry services, which has been meeting independently from the PPC. In order to monitor the activities of the task force, it is recommended that this matter be retained on referral to the PPC.

Recommendation: REFER to 2010 PPC

12. Residential Rental Inspection Program. The Residential Rental Inspection Program (RRIP) was established by the Board of Supervisors in 2004 with the stated purposes to identify and reduce the number of blighted and deteriorated rental housing units, maintain safe housing for renters, and improve the overall quality of life for communities throughout the County. After five years of operation, the Department of Conservation and Development (DCD) is finding it difficult to achieve the desired goals of the programs within its current operational and financial structure. The current program model is highly labor intensive and the revenues generated by the program do not cover its operational costs. On January 26, 2010, the Board of Supervisors requested the Public Protection Committee to hear a report from DCD concerning the status of the RRIP and to consider staff recommendations for making changes that will further the operational goals of the program and improve its financial sustainability.

Recommendation: REFER to 2010 PPC

LIST OF REFERRALS TO BE TERMINATED

- 09/02 Cellular Phone Alerting for Public Emergencies
- 09/07 Sheriff's Department Budget Balancing Efforts
- 09/08 Impacts of the Housing Foreclosure Crisis on County Communities, Programs and Services
- 09/09 Diablo Fire Safe Council Community Wildfire Protection Plan
- 09/10 Options for preserving the infrastructure for misdemeanor prosecution

LIST OF ITEMS TO BE REFERRED TO THE
2010 PUBLIC PROTECTION COMMITTEE

- 09/01 Opportunities to improve coordination of response to disasters and other public emergencies (Cosco Busan)
- 09/03 Improving public response to emergencies through education
- 09/04 Welfare fraud investigation and prosecution
- 09/05 Multilingual capabilities of the telephone emergency notification system
- 09/06 Disproportionate Minority Contact in County Juvenile Justice System
- 09/11 County support and coordination of non-profit organization resources to provide prisoner re-entry services.

- 09/12 Residential Rental Inspection Program

CONSEQUENCE OF NEGATIVE ACTION:

CHILDREN'S IMPACT STATEMENT:

2010 PUBLIC PROTECTION COMMITTEE
REFERRALS

<u>2010</u>		
10/01	Opportunities to improve coordination of response to disasters and other public emergencies (Cosco Busan)	3/2/2010
10/02	Improving public response to emergencies through education	3/2/2010
10/03	Welfare fraud investigation and prosecution	3/2/2010
10/04	Multilingual capabilities of the telephone emergency notification system	3/2/2010
10/05	Disproportionate Minority Contact in County Juvenile Justice System	3/2/2010
10/06	County support and coordination of non-profit organization resources to provide prisoner re-entry services	3/2/2010
10/07	Residential Rental Inspection Program	3/2/2010

**2010 Public Protection Committee Discussion Schedule
As of February 26, 2010**

Meeting Date	Subject	Staff Contacts
February 15	CANCELED – President’s Day	
March 4	<ul style="list-style-type: none"> ◆ Residential Rental Inspection Program ◆ Committee Planning 	Jason Crapo 5-1108 Julie Enea
March 15	CANCELED – Spring Break	
April 19	<ul style="list-style-type: none"> ◆ Follow-up report from the Health Services Department on mutual aid agreements with local petrochemical refineries to improve coordination of response to hazardous materials releases (<i>Randall Sawyer, Hazardous Materials Program Director</i>) ◆ CAER Report on Public Response to Emergencies Through Education ◆ Welfare Fraud & Investigation Status Report 	Randy Sawyer, Charles Skuce Tony Semenza DA & EHSD
May 17	<ul style="list-style-type: none"> ◆ DMC Status Report ◆ Re-entry Services Update 	Probation Dept Re-entry Task Force?
June 21	◆ Multi-lingual capabilities of TENS	Sheriff OES
July 19	CANCELED – NACo Conference	
August 16	CANCELED – Summer Break	
September 20	◆	
October 18	◆	
November 15	CANCELED – CSAC Annual Meeting	
December 20	CANCELED – Winter Break	